

OUTLINE FOR NONCRIMINAL ENFORCEMENT
OF TOWN BY-LAW, RULES AND REGULATIONS

I. Administrative Requirements/Statutory Restrictions/Definition

- A. Obtain form for noncriminal citation ("tickets") from local District Court civil clerk.
- B. Print tickets; must be in triplicate.
- C. May only be issued for violation of Town by-laws, rules and/or regulations which are subject to a specific penalty (i.e., "\$100", not "up to \$100"). No penalty over \$300 per violation may be enforced by noncriminal disposition.
- D. "Enforcing Person": any Town official with jurisdiction over a particular by-law rule or regulation or any Town police officer.

II. Procedure for Noncriminal Enforcement

A. ROLE OF ENFORCING PERSON

- 1. Enforcing Person ("EP") witnesses a violation of by-law, rules and/or regulations.
- 2. EP then delivers 1 copy of ticket to offender (either by hand or by mail). If the violation continues for more than 1 day, a ticket must be given on every day the violation continues.
- 3. EP delivers 2 copies of the ticket to their department head.
- 4. Department head mails 1 copy to the District Court civil clerk.

B. OPTIONS

- 1. Payment Options:
 - (a) Offender may appear at District Court to confess offense charged and then pay fine to Town Clerk; or
 - (b) Offender may make payment by check, postal note or money order to Town Clerk prior to court date.
 - (c) Upon payment of ticket, the Town Clerk notifies the District Court civil clerk that the fine has been paid.
- 2. Hearing Option:

(a) Offender may request a hearing to contest the ticket by writing to the District Court Civil Clerk within 21 days of ticket issuance.

(b) Court notifies Town and Offender of hearing date.

(c) After hearing, court will either:

(1) order Offender to pay fine; or

(2) dismiss ticket.

3. Nonpayment or Hearing Request:

(1) If offender (1) fails to either pay fine or request a hearing or (2) fails to comply with court order following a hearing, District Court clerk notifies EP.

(2) EP may then apply for a criminal complaint against the offender.

III. Statutory Violations Enforceable by Noncriminal Disposition

The following State statutes may also be enforced by noncriminal citation pursuant to G.L. c.40, §21D:

a. G.L. c.85, §§11A and 11B - registration and/or operation of bicycles.

b. G.L. c.270, §16A - disposal of litter on public and private property.

These citations may not be used to enforce Town traffic rules and regulations (enforcement exclusively governed by G.L. c. 90C).